

## **REMARKS**

### **A. Introduction**

Claims 1, 4, 15-18, 23-31, 33 and 34 were pending and under consideration. Claims 2, 3, 5-14, and 19-21 were previously cancelled.

In the Office Action of July 7, 2009 ("the Office Action"), claims 1, 4, 15-18, 23-31, 33 and 34 were rejected as containing new matter and obvious.

In response, the rejections are traversed.

### **B. Rejection under 35 USC §112**

Claims 1, 4, 15-18, 23-31, 33 and 34 were rejected under 35 USC 112 as failing to comply with the written description requirement. The Examiner argues, "[t]he specification does not appear to disclose a sintered mesophase carbon material in combination with the claimed anode active material," i.e., an anode active material comprising Li and a tin or silicon. See the Office Action, page 5. However, the Specification discloses (1) a mesophase carbon that is sintered; and (2) combining lithium with a semiconductor of preferably silicon or tin. See Specification, paras. 0040, 0065, and 0030, and Fig. 2.

Accordingly, reconsideration and withdrawal of these rejections are requested.

### **C. Rejection under 35 USC §103**

Claims 1, 4, 15-18, 23-28, 30, 31, 33 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP10-312789 to Inamasu ("Inamasu"). Applicant traverses this rejection for at least the following reasons.

Independent claims 1 and 4 require, *inter alia*, an anode having a molded body. This feature is advantageous because it enables a secondary cell to have a high discharge capacity recovery ratio exceeding 90% even when it is stored at a high temperature for a long period of time, e.g., 80 days or more. See Specification, paras. 0013, 0066, and 0079.

The cited art fails to disclose or fairly suggest this feature and therefore is unable to provide this advantage. There is no cited prior art with an anode having a molded body. Inamasu is limited to a negative-electrode active material of fine particles with an average grain size of 0.1-100 nm, which is not the same as an anode having a molded body. See Inamasu

para. 0020. Although the Examiner points to Inamasu para. 0009, this passage merely references a phosphoric-acid compound that in a "cell configuration" that is "film-like." This is not the same as "a binderless anode comprising (1) a molded body; (2) a sintered mesophase carbon material...capable of doping/dedoping lithium, and (3) an anode active material comprising Li and a tin or silicon, containing metal material which forms an alloy or a compound with Li," as required by independent claims 1 and 4. Consequently, Inamasu is not capable of providing the aforementioned advantages provided by the present general inventive concept.

Accordingly, because the art of record fails to disclose or suggest the present general inventive concept as claimed, the rejection of independent claims 1 and 4 under 35 U.S.C. §103(a) is improper, and withdrawal of these rejections and allowance of these claims are earnestly solicited. Claims 15-18, 23-31, 33, and 34 depend from independent claims 1 and 4, include all of the limitations of independent claims 1 and 4, and are patentable over the art of record for at least the same reasons discussed above with respect to claims 1 and 4. Thus, withdrawal of these rejections and allowance of these claims are respectfully requested.

#### **D. Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance. Notice to that effect is requested.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,  
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